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6 IN THE UNITED STATES DISTRICT COURT  
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8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 U.S. COMMODITY FUTURES TRADING  
10 COMMISSION ET AL,

No. C 05-02641 JSW

11 Plaintiff,

12 v.

13 NATIONAL INVESTMENT  
CONSULTANTS, INC., et al.,

**ORDER CONDITIONALLY  
GRANTING THELEN REID AND  
PRIEST LLP'S MOTION TO  
WITHDRAW AS COUNSEL**

14 Defendants.  
15 \_\_\_\_\_/

16 This matter comes before the Court upon consideration of Thelen Reid and Priest LLP's  
17 ("Thelen") motion to withdraw as counsel for Defendant Pacific Best Group LTD, a/k/a Pacific  
18 Best Company Ltd. ("Pacific Best"). Plaintiffs, the United States Commodity Futures Trading  
19 Commission and the Commissioner of Corporations of the State of California oppose the  
20 motion. Pacific Best has not submitted an opposition to the motion. The Court has reviewed  
21 the parties' papers and relevant legal authority and has had the benefit of oral argument.

22 The Court finds that good cause exists to warrant Thelen's request to withdraw from  
23 representing Pacific Best based on its representations that an actual conflict has arisen between  
24 Pacific Best and individual defendant Raymond Tse, which has not been waived, and on  
25 Thelen's representations that Pacific Best is not cooperating in this litigation. However, Pacific  
26 Best is a corporation and cannot represent itself. *See Rowland v. California Men's Colony*, 506  
27 U.S. 194, 201-02 (1993); Civil Local Rule 3-9(b). Nor has Pacific Best filed a substitution of  
28 counsel, despite having notice of Thelen's motion to withdraw.

1 Where, as here, withdrawal by an attorney from an action is not accompanied by  
2 simultaneous appearance of substitute counsel, leave to withdraw may be subject to the  
3 condition that papers continue to be served on counsel unless and until the client appears by  
4 other counsel. *See* Civ. L.R. 11-5(b) (stating that when withdrawal by an attorney from an  
5 action is not accompanied by simultaneous appearance of substitute counsel . . . leave to  
6 withdraw may be subject to the condition that papers may continue to be served on counsel for  
7 forwarding purposes, unless and until the client appears by other counsel).

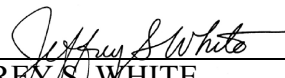
8 Therefore, the Court conditionally GRANTS Thelen's motion to withdraw with respect  
9 to Pacific Best upon the condition that the withdrawal will not be effective until June 30, 2006,  
10 or until substitute counsel makes an appearance, whichever occurs sooner. Any documents  
11 pertaining to this action will continue to be served on Thelen for forwarding purposes until June  
12 30, 2006, or until substitute counsel has entered an appearance.

13 Because a corporation cannot represent itself, Pacific Best must file a substitution of  
14 attorney by no later than June 30, 2006. Pacific Best is admonished that failure to retain  
15 substitute counsel may result in the Court entering a judgment against it.

16 Thelen is HEREBY ORDERED to serve this Order upon Pacific Best, by no later than  
17 June 2, 2006, and file proof of such service with the Court by June 5, 2006.

18 **IT IS SO ORDERED.**

19 Dated: May 26, 2006

  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE